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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,258	12/27/2000	Earl Hennenhofer	00-40387-US	4827

7590 12/16/2004

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EXAMINER
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BROWN, RUEBEN M

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/749,258

Applicant(s)

HENNENHOEFER ET AL.

Examiner

Reuben M. Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-28 is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-21, 29, 31, 33 and 34 is/are rejected.
- 7) ☐ Claim(s) 5-6, 30 & 32 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/5/02; 6/4/02.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2 & 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Flickinger, (U.S. Pat # 5,901,340).

Considering claims 1-2, the claimed signal distribution system comprising wideband signal distribution system including 568 standard wiring is met by col. 1, lines 30-38 & col. 1, lines 60-67. The Category 5 twisted pair cable disclosed in Flickinger corresponds with the claimed 568 standard.

The claimed at least one intelligent device that distributes modulated RF signals onto the wideband signal distribution system, such that the RF modulated comprise digital information reads on the operation of the distribution unit 38 of Flickinger, col. 3, lines 5-58.

Considering claim 15, the claimed elements of an intelligent device system corresponds

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with subject matter mentioned above in the analysis of claims 1-2 and are likewise treated.

Considering claim 16, the claimed subject matter reads on the transmission operation of the CATV headend, which inherently operates in Flickinger, since the reference is directed to a CATV system.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 17-20 & 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flickinger.

Considering claims 17-20, examiner takes note that at the time the invention was made, bandwidth allocation technology, including sensors to detect current loading on a particular channel and switching data throughput to channel that are less loaded, was well known in the art. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Flickinger with the technology of bandwidth allocation, at least for the known

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improvement of more efficiently operating a transmission procedure, using multiple channels.

Considering claim 34, Flickinger teaches all subject matter, except for the frequency range of the wideband being between 5 MHz and 1 GHz. Nevertheless, it would have been obvious to use a wider range, at least to make more RF channels accessible.

5. Claims 3-4, 6-14, 21 29, 31 & 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flickinger, in view of McArthur, (U.S. Pat # 5,805,806).

Considering claims 3, 21, 29, 31 and 33, the claimed elements of local RF receiver and baseband out intelligent device for use in transmitting information on an RF carrier through a wideband signal distribution network reads on the operation of Flickinger, as discussed above in the analysis of claims 1 & 2. However, even though the environment of classrooms and other local cable networks are clearly disclosed, Flickinger does not explicitly teach the additionally claimed feature of addressable devices, col. 3, lines 30-50.

Nevertheless, McArthur, which is also in the environment of a local cable network does teach the use of addressable devices, col. 7, lines 2-12 & col. 9, lines 18-22. McArthur furthermore discloses that the cable interface 10 is enabled to send WWW signal to PC 14 or PC 16 and send non-IP broadcast programming to TV 16 or VCR 22, col. 11, lines 28-50. Thus McArthur reads on the claimed feature of separating IP signal portions from non-IP signal

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portions. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Flickinger with the technology of separating non-IP from IP data for a CATV home network system, for the desirable improvement of taking advantage of the resources of the Internet in a more organized and efficient manner, as taught by McArthur, col. 1, lines 30-55.

Considering claim 4, the claimed combiner reads on the combiner 72 of Flickinger, Fig. 2.

Considering claim 6, while the TV interface 34 and PC 14 and 16 are addressable devices, McArthur only discusses that the PC 14 & 16 have IP addresses. Examiner notes that using an IP address for a set-top box was known in the art prior to applicant's invention. Nevertheless, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to provide an IP address to the TV interface, at least for the desirable of avoiding the need to transmit Web documents from the PC to the TV, which is the procedure used in McArthur.

Considering claim 7, Flickinger discloses the use of balun technology, col. 5, lines 60-67 thru col. 6, lines 1-10.

Considering claims 8 and 14, tone detectors were well known in the art at the time the invention was made.

Considering claim 9, McArthur discloses a wideband range of 50 MHz to 750 MHz. It would have been obvious to use a wider range, at least to make more RF channels accessible.

Considering claim 10, McArthur discloses the use of TV 18, with interface 34.

Considering claim 11, McArthur discloses the use of PC 14 and 16, with interface 26 and 30, respectively

Considering claim 12, the claimed subject matter reads on the combination of Flickinger and McArthur.

Considering claim 13, both Flickinger and McArthur necessarily use impedance matching, while Flickinger discloses the use of baluns.

#### ***Allowable Subject Matter***

6. Claims 5-6, 30 & 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Considering claim 5, McArthur discloses the use of at least one bandpass filter, Fig. 2 and col. 6, lines 26-50. Moreover, the other embodiment of McArthur (the distribution amplifier 11) uses a combination of LPF to extract the desired signals. Thus, prior art of record does not teach or fairly suggest the claimed subject matter.

Considering claim 6, the instant claim depends from claim and is likewise analyzed.

Considering claims 30 and 32, prior art of record does not teach the additionally claimed feature of a wireless portion of the IP and non-IP signals and separating out such wireless portions.

7. Claims 22-28 are allowed.

Considering claim 22, McArthur discloses the use of at least one bandpass filter, Fig. 2 and col. 6, lines 26-50. Moreover, the other embodiment of McArthur (the distribution amplifier 11) uses a combination of LPF to extract the desired signals. Thus, prior art of record does not teach or fairly suggest the claimed subject matter.

Considering claim 23-28, the instant claims depend from claim and is likewise analyzed.



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**Any response to this action should be mailed to:**

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**or faxed to:**

(703) 872-9306, (for formal communications intended for entry)

**Or:**

(703) 746-6861 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")


*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).*

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to Reuben M. Brown whose telephone number is (703) 305-2399.  
The examiner can normally be reached on M-F (8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, Christopher Grant can be reached on (703) 305-4755. The fax phone numbers for the  
organization where this application or proceeding is assigned is (703) 872-9306 for regular  
communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the receptionist whose telephone number is (703) 305-4700.

Reuben M. Brown

  
**REUBEN M. BROWN**  
**PATENT EXAMINER**